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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 3 06-70413 MEJ
)	
Plaintiff,)	PROPOSED ORDER EXCLUDING
)	TIME FROM OCTOBER 19, 2006
v.)	THROUGH NOVEMBER 7, 2006 FROM
)	CALCULATIONS UNDER THE SPEEDY
KAI BUTLER,)	TRIAL ACT (18 U.S.C. § 3161) AND
)	UNDER F.R.C.P. 5.1
Defendant.)	

The parties appeared before this Court on the pending complaint on October 19, 2006. Gregg Lowder, Assistant United States Attorney, appeared for the United States. Steven Kalar, Assistant Federal Public Defender, appeared for the defendant, who appeared personally.

At the request of and upon the consent of the parties, and the defendant personally, the Court continued the case to November 7, 2006 for status conference and excluded time from October 19, 2006 through November 7, 2006 from time calculations under the Speedy Trial Act and under F.R.C.P. Rule 5.1, to permit the attorneys reasonable time for effective preparation in the case, including to investigate and analyze the extent of the defendant's criminal history. The probation department has recently prepared a criminal history of the defendant for the parties upon the Court's order, and the parties have just received the report.

The Court enters this order continuing the hearing and supplementing its oral orders at the

1 hearing of October 19, 2006 excluding time from calculations under the Speedy Trial Act, 18
2 U.S.C. § 3161, and from calculations under Federal Rule of Criminal Procedure 5.1, from
3 October 19, 2006 through November 7, 2006. The parties, including the defendant, agree and the
4 Court finds and holds as follows:

5 1. The defendant understands and requests the exclusion of time from calculations under
6 the Speedy Trial Act, 18 U.S.C. § 3161, and under Federal Rule of Criminal Procedure
7 Rule 5.1, from October 19, 2006 through November 7, 2006 based upon the need of the
8 defense for a reasonable period of time to allow effective preparation in the case,
9 including reasonable time to investigate and analyze the extent of the defendant's
10 criminal history

11 2. Defense counsel Steve Kalar joins in the request to exclude time from calculations
12 under the Speedy Trial Act and under F.R.C.P. 5.1 for the above reasons, and believes the
13 exclusion of time is necessary for him to effectively prepare a defense, and further agrees
14 the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, and under F.R.C.P.
15 5.1 should be from October 19, 2006 through November 7, 2006.

16 Given these circumstances, the Court finds that the ends of justice served by excluding
17 from time calculations the period of October 19, 2006 through November 7, 2006 outweigh the
18 best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18
19 U.S.C. § 3161, and, at the defendant's request, finds good cause for the same reasons listed
20 above and stated at the hearing to exclude October 19, 2006 through November 7, 2006 from
21 time calculations under Federal Rule of Criminal Procedure 5.1. Accordingly, and at the request
22 of the defendant personally, the Court (1) sets an appearance date on November 7, 2006, @ 9:30
23 a.m., and (2) orders and finds that the time from October 19, 2006 through November 7, 2006 is

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1 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and under
2 Federal Rule of Criminal Procedure 5.1.

3 SO STIPULATED:

4 DATED: October 19, 2006

/S/
STEVEN KALAR
Attorney for Defendant

6 DATED: October 19, 2006

/S/
GREGG W. LOWDER
Assistant United States Attorney

8 IT IS SO ORDERED.

9 DATED: 10/23/06


NANDOR J. VADAS
United States Magistrate Judge